

AMENDED IN ASSEMBLY JUNE 24, 2010

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE APRIL 29, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 13, 2010

SENATE BILL

No. 1174

**Introduced by Senator Wolk
(Principal coauthor: Senator Price)**

February 18, 2010

An act to add Section ~~65302.10 to the Government~~ 75128.5 to the *Public Resources* Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Wolk. Land use: general plan: Future Sustainable Communities Pilot Project.

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including, among others, a housing element for the preservation, improvement, and development of the community's housing.

Existing law requires the Strategic Growth Council to manage and award financial assistance to specified regional and local governments to support the planning and development of sustainable communities, as specified, from bond funds made available through the Safe Drinking

Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill would establish the Future Sustainable Communities Pilot Project. The bill would ~~require~~ *authorize* a city or county with a disadvantaged unincorporated community, as defined, inside or near its boundaries to apply to the Strategic Growth Council, as specified, to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a sustainable community. *The bill would require the Strategic Growth Council to choose 5 cities and 5 counties with a disadvantaged unincorporated community inside or near their boundaries to receive financial assistance.* The bill would require, upon receipt of the financial assistance from the council, the city or county to review, prepare, and adopt amendments to one or more elements of its general plan, as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of *unincorporated* island, *unincorporated* fringe, or *unincorporated* legacy ~~unincorporated~~ communities, *as* respectively as defined, inside or near its boundaries, and to incorporate into the general plan specified purposes relating to the establishment of sustainable communities. The bill would also require the updated general plan to include specified information. This bill would further require the city or county to make a diligent effort to involve all members of the public in preparing the review and update of the general plan. ~~By adding to the duties of a city or county with a disadvantaged unincorporated community inside or near its boundaries, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

(1) Hundreds of disadvantaged unincorporated communities, commonly referred to as “colonias,” exist in California. There are more than 200 of these communities in the San Joaquin Valley alone. Many of these communities are geographically isolated islands, surrounded by the city limits of large and medium-sized cities.

(2) Conditions within these disadvantaged unincorporated communities evidence a distinct lack of public and private investment that threatens the health and safety of the residents of these communities and fosters economic, social, and educational inequality. Many of these communities lack basic infrastructure, including, but not limited to, streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service.

(3) Proposition 84, as implemented by Chapter 729 of the Statutes of 2008, provides bond funds to support the planning and development of sustainable communities, and requires the Strategic Growth Council to manage and award financial assistance from those funds for planning that (A) improves air and water quality, (B) improves natural resource protection, (C) increases the availability of affordable housing, (D) improves transportation, (E) reduces greenhouse gas emissions, and (F) encourages sustainable land use.

(4) Given the need for investment in infrastructure in California’s disadvantaged unincorporated communities, and the need to plan for, and to invest in the creation of, sustainable communities, a policy that unites those goals to address them concurrently is in the best interest of the people of California.

(b) It is the intent of the Legislature to encourage ~~each city and county~~ *cities and counties*, through participation in the Future Sustainable Communities Pilot Project or otherwise, to identify disadvantaged communities and ways to improve the conditions that exist within them, and to review and update its general plan to address and improve those conditions, while concurrently implementing the purposes set forth in Proposition 84 and Chapter 729 of the Statutes of 2008.

~~SEC. 2. Section 65302.10 is added to the Government Code, to read:~~

~~65302.10. (a) As used in this section, the following terms shall have the following meanings:~~

1 (1) “Disadvantaged unincorporated community” means a fringe,
2 island, or legacy community in which the median household
3 income is 80 percent or less than the statewide median household
4 income.

5 (2) “Unincorporated fringe community” means any inhabited
6 and unincorporated territory that is within a city’s sphere of
7 influence.

8 (3) “Unincorporated island community” means any inhabited
9 and unincorporated territory that is surrounded or substantially
10 surrounded by one or more cities or by one or more cities and a
11 county boundary or the Pacific Ocean.

12 (4) “Unincorporated legacy community” means a geographically
13 isolated community that is inhabited and has existed for at least
14 50 years.

15 (b) There is hereby established the Future Sustainable
16 Communities Pilot Project. Pursuant to the project, a city or county
17 with a disadvantaged unincorporated community inside or near its
18 boundaries shall apply to the Strategic Growth Council, pursuant
19 to subdivision (a) of Section 75128 of the Public Resources Code,
20 to receive the financial assistance necessary to update the city’s
21 or county’s general plan in order to facilitate the transformation
22 of the disadvantaged unincorporated community into a sustainable
23 community. Upon receipt of financial assistance from the Strategic
24 Growth Council, the planning agency of the city or county shall
25 review and prepare, and the legislative body of the city or county
26 shall adopt, amendments to one or more elements of the city or
27 county general plan as necessary to include data and analysis,
28 goals, implementation measures, policies, and objectives to address
29 the presence of unincorporated island, fringe, or legacy
30 communities inside or near the city’s or county’s boundaries, and
31 to incorporate in the general plan the purposes set forth in
32 subdivision (a) of Section 75128 of the Public Resources Code,
33 in order to facilitate the transformation of the disadvantaged
34 unincorporated communities into sustainable communities. The
35 updated general plan shall include all of the following:

36 (1) In the case of a city, an identification of each unincorporated
37 island or fringe community, or in the case of a county, of each
38 legacy community. This identification shall include a description
39 of the community and a map designating its location.

1 ~~(2) For each identified community, an analysis of all of the~~
2 ~~following:~~

3 ~~(A) The extent to which households in the community lack~~
4 ~~access to sanitary sewer service, the extent to which improved~~
5 ~~sanitary sewer service would improve water quality, water~~
6 ~~conservation, and natural resource protection, and the extent to~~
7 ~~which it would encourage sustainable land use, allow for greater~~
8 ~~infill and compact development, and revitalize urban community~~
9 ~~centers.~~

10 ~~(B) The extent to which households in the community lack~~
11 ~~access to municipal water service, the extent to which municipal~~
12 ~~water service would improve water quality, water conservation,~~
13 ~~and natural resource protection, and the extent to which it would~~
14 ~~encourage sustainable land use, allow for greater infill and compact~~
15 ~~development, and revitalize urban community centers.~~

16 ~~(C) The extent to which the community lacks~~
17 ~~paved roads, storm drainage, sidewalks, and street lighting, and~~
18 ~~the extent to which improvement in those areas would encourage~~
19 ~~sustainable land use, allow for greater infill and compact~~
20 ~~development, and revitalize urban community centers.~~

21 ~~(3) An analysis of the city's or county's current programs and~~
22 ~~activities to address the conditions or deficiencies described in~~
23 ~~paragraph (2), and an identification of any constraints to addressing~~
24 ~~those conditions or deficiencies in a manner consistent with the~~
25 ~~purposes set forth in subdivision (a) of Section 75128 of the Public~~
26 ~~Resources Code. The analysis shall evaluate whether annexation~~
27 ~~of, or extension of service to, any identified island or fringe~~
28 ~~community is appropriate.~~

29 ~~(4) A statement setting forth the city's or county's specific,~~
30 ~~quantified goals, taking into consideration, and giving maximum~~
31 ~~effect to, the purposes set forth in subdivision (a) of Section 75128~~
32 ~~of the Public Resources Code, for eliminating or reducing the~~
33 ~~conditions or deficiencies described in paragraph (2) and found to~~
34 ~~be present in an unincorporated island, fringe, or legacy community~~
35 ~~within or proximate to the boundaries of the city or county.~~

36 ~~(5) A set of flexible implementation measures designed to carry~~
37 ~~out the goals described in paragraph (4), including an identification~~
38 ~~of resources and a timeline of actions.~~

39 ~~(e) In preparing the review and update required by this section,~~
40 ~~the city or county shall make a diligent effort to involve all~~

1 ~~members of the public, including, but not limited to, residents of~~
2 ~~the island, fringe, or legacy communities.~~

3 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution because~~
5 ~~a local agency or school district has the authority to levy service~~
6 ~~charges, fees, or assessments sufficient to pay for the program or~~
7 ~~level of service mandated by this act, within the meaning of Section~~
8 ~~17556 of the Government Code.~~

9 *SEC. 2. Section 75128.5 is added to the Public Resources Code,*
10 *to read:*

11 *75128.5. (a) As used in this section, the following terms shall*
12 *have the following meanings:*

13 *(1) “Disadvantaged unincorporated community” means an*
14 *unincorporated fringe, unincorporated island, or unincorporated*
15 *legacy community in which the median household income is 80*
16 *percent or less than the statewide median household income.*

17 *(2) “Unincorporated fringe community” means an inhabited*
18 *and unincorporated territory that is within a city’s sphere of*
19 *influence.*

20 *(3) “Unincorporated island community” means an inhabited*
21 *and unincorporated territory that is surrounded or substantially*
22 *surrounded by one or more cities or by one or more cities and a*
23 *county boundary or the Pacific Ocean.*

24 *(4) “Unincorporated legacy community” means a*
25 *geographically isolated community that is inhabited and has existed*
26 *for at least 50 years.*

27 *(b) There is hereby established the Future Sustainable*
28 *Communities Pilot Project. The purpose of the project is to provide*
29 *funding to update a city’s or county’s general plan in order to*
30 *facilitate the transformation of a disadvantaged unincorporated*
31 *community into a sustainable community. Cities and counties with*
32 *a disadvantaged unincorporated community inside or near their*
33 *boundaries may apply to the Strategic Growth Council for funding*
34 *made available pursuant to subdivision (c) of Section 75065, as*
35 *prescribed in (a) of Section 75128. The Strategic Growth Council*
36 *shall choose five cities and five counties that meet the qualifications*
37 *as prescribed in this section.*

38 *(c) Upon receipt of financial assistance from the Strategic*
39 *Growth Council, the planning agency of the city or county shall*
40 *review and prepare, and the legislative body of the city or county*

1 shall adopt, amendments to one or more elements of the city's or
2 county's general plan as necessary to include data and analysis,
3 goals, implementation measures, policies, and objectives to address
4 the presence of unincorporated island, fringe, or legacy
5 communities inside or near the city's or county's boundaries, and
6 to incorporate in the general plan efforts that include improving
7 air and water quality, improving natural resource protection,
8 increasing the availability of affordable housing, improving
9 transportation, meeting the goals of the California Global Warming
10 Solutions Act of 2006 (Division 25.5 (commencing with Section
11 38500) of the Health and Safety Code), and encouraging
12 sustainable land use, as prescribed in subdivision (a) of Section
13 75128, in order to facilitate the transformation of the
14 disadvantaged unincorporated communities into sustainable
15 communities.

16 (d) The updated general plan shall include all of the following:

17 (1) In the case of a city, an identification of each unincorporated
18 island or unincorporated fringe community, or in the case of a
19 county, an identification of each unincorporated legacy community.
20 This identification shall include a description of the community
21 and a map designating its location.

22 (2) For each identified community, an analysis of all of the
23 following:

24 (A) The extent to which households in the community lack access
25 to sanitary sewer service, municipal water service, and paved
26 roads, storm drainage, sidewalks, and street lighting.

27 (B) The extent to which improved sanitary sewer service,
28 improved municipal water service, and improved paved roads,
29 storm drainage, sidewalks, and street lighting, would improve
30 water quality, water conservation, and natural resource protection,
31 and the extent to which improvements would encourage sustainable
32 land use, allow for greater infill and compact development, and
33 revitalize urban community centers.

34 (3) An analysis of the city's or county's current programs and
35 activities to address the conditions or deficiencies described in
36 paragraph (2) and an identification of any constraints to
37 addressing those conditions or deficiencies. The analysis shall
38 evaluate whether annexation of, or extension of service to, an
39 identified unincorporated island or unincorporated fringe
40 community is appropriate.

- 1 (4) A statement setting forth the city's or county's specific,
2 quantified goals for eliminating or reducing the conditions or
3 deficiencies described in paragraph (2) and found to be present
4 in an unincorporated island, unincorporated fringe, or
5 unincorporated legacy community within or proximate to the
6 boundaries of the city or county, taking into consideration and
7 giving maximum effect to an effort to improve air and water quality,
8 improve natural resource protection, increase the availability of
9 affordable housing, improve transportation, meet the goals of the
10 California Global Warming Solutions Act of 2006 (Division 25.5
11 (commencing with Section 38500) of the Health and Safety Code),
12 and encourage sustainable land use, as prescribed in subdivision
13 (a) of Section 75128.
- 14 (5) A set of flexible implementation measures designed to carry
15 out the goals described in paragraph (4), including an
16 identification of resources and a timeline of actions.
- 17 (e) In preparing the review and update required by this section,
18 the city or county shall make a diligent effort to involve all
19 members of the public, including, but not limited to, residents of
20 the unincorporated island, unincorporated fringe, or
21 unincorporated legacy communities.